

**From:** (042)(042)(042) Dave Hill  
**To:** Microsoft ATR  
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**Subject:** Microsoft Settlement

Renata B. Hesse  
Antitrust Division  
U.S. Department of Justice  
601 D Street NW  
Suite 1200  
Washington, DC 20530-0001

I work as an advanced IT standards developer and researcher at a multi-national engineering company. I am, however, writing as a private citizen. I would like to comment on the proposed settlement of the anti-trust suit against Microsoft.

Microsoft's past behavior, as proven multiple times in court, including in the case at hand, demonstrates its unwillingness to take any corrective action, change its activities, or in any other way comply with legal judgments except as specifically and strongly enforced.

If Microsoft were truly competing in the open market, based on the technical strengths of its products, I would have no problem if the majority of consumers freely chose its systems and tools. My concern is that Microsoft, by becoming a virtual monopoly, and by engaging in anti-competitive practices as a monopoly (the conclusions of the Court in this case) stands opposed to both technical competition and free choice among consumers.

Any settlement outcome from this case which does not provide real, powerful, and punitive checks on Microsoft's anti-competitiveness, or which does not prevent it from engaging in similar behaviors in the future, will be a grave disservice to the industry and to consumers, and serve notice to all corporations that our anti-trust laws can be circumvented as long as you can afford the legal fees. Allowing Microsoft any control over the remedial processes will be a similar disservice.

In terms of specific concerns over the settlement, I would like to include, in its entirety, the petition to be submitted by Dan Kegel, which I have signed, and which can be found at <http://www.kegel.com/remedy/letter.html>, and his more detailed essay at <http://www.kegel.com/remedy/remedy2.html>.

Finally, any monetary damages imposed upon Microsoft as a result of the Finding of Fact by the Court ought to be collected as monetary damages, and either added to the general fund of the Federal Government, or else distributed in some fashion to consumers, who have borne the final brunt of Microsoft's actions. Allowing Microsoft to administer the nature or distribution of these damages (e.g., providing free software into markets they do not presently control, or valuating contributed software or hardware based

on retail purchase price rather than actual cost) will again provide no punishment to Microsoft, no relief of their past actions, and may actually serve to further enhance Microsoft's monopolistic advantage.

Thank you for your time in reading these comments.

Sincerely,

David C. Hill  
8149 S. Monaco Circle  
Centennial, CO 80112  
303-740-7054  
dave@hill-kleerup.org